

Family Law

Jerry Stepp has extensive experience in all aspects of Family Law and domestic litigation.

- Divorce
- Legal Separation
- Property Division
- Alimony
- Custody
- Child Support
- Modification Actions
- Contempt Actions
- Paternity & Legitimation
- Pre / Post Nuptial Agreements
- Domestic Partner Dissolution
- Wills & Estate/Probate
- Department of Family and Children Services
- Guardianships
- Qualified Domestic Relations Orders

Divorce

When two people marry, it is with the expectation that the relationship will last forever. Unfortunately, circumstances can change leading one or both spouses to believe that their relationship is broken beyond repair and, despite their best efforts; divorce is the only remaining option.

If you find yourself considering divorce, or you are ready to begin the process, it is best to proceed with the protection of an experienced attorney by your side. Jerry understands that clients involved in a divorce are under enormous emotional and financial pressure. Therefore, he works diligently to resolve each divorce in a manner that best meets the clients' needs, while also considering the impact of divorce on our clients, their families and children.

Depending on the circumstances of your case, a divorce involves many issues, including custody and parenting time, child support, alimony, division of assets and property, and attorney's fees. Jerry will be there to educate you, support you and provide you with legal guidance as we work together to negotiate and settle your divorce case or, if necessary, proceed with litigation and trial.

Legal Separation

If divorce is not the best option for you at this time, you may have considered a Legal Separation. Termed "Separate Maintenance" in Georgia, this process allows a couple to remain married but still address all the issues that arise when they elect to physically, and

often financially, separate. There are a myriad of reasons that may motivate a couple to remain married but choose to separate. Some are seeking the space and time to consider reconciliation, while others may have a need to continue health insurance for themselves or their spouse. Some may choose a legal separation due to religious or faith-based reasons. The fact that Georgia law does not require parties to give a reason for their decision to separate makes this a viable option for couples not ready to make the decision to enter into a final divorce.

A Legal Separation allows couples to address all of the same factors included in a divorce such as equitable division of property, child custody, child support and alimony (as applicable) but the parties remain legally married.

Property Division

When it comes to divorce law in Georgia, we are what is known as an "Equitable Division" state, as opposed to a Community Property state. While Community Property states require a 50/50 division of all marital assets and personal property, our law requires that the Court make an equitable distribution instead. Equitable is defined as "fair", which does not necessarily mean 50/50 in every case. This applies to division of every kind of marital asset including financial accounts, vehicles, businesses and business interests, equity in the marital residence, retirement accounts, furniture and household items. Marital debts such as credit cards and other debts must also be equitably divided at the time of divorce. Having your sole name on a title to property, or as the only name on a financial account, quite often has very little to do with a final determination of how that account should be equitably divided. Jerry has vast experience in all aspects of property division and works with his clients to help them not only gain a firm understanding of what assets are subject to division but also how to create a division that makes financial sense for you in your particular situation.

Alimony

In many cases, alimony is a relevant issue that must be addressed before a divorce can be resolved. The confusing aspect of alimony and spousal support is that Georgia does not have specific laws or legislation regarding when alimony and spousal support apply or how it is calculated (i.e. how long does an individual require alimony and how much alimony do they need). With that said, the Court will often look at many factors in coming to a decision on alimony including the length of the marriage, earning potential of either spouse, a party's ability to pay alimony, and the other party's demonstrated need for alimony or spousal support. Jerry 's experience has addressed hundreds of cases involving alimony and he can assist you in obtaining a favorable outcome in your case.

Custody

It is the policy of the State of Georgia to assure that minor children have frequent and continuing contact with parents who have shown the ability to act in the best interests of their children and to encourage parents to share in the rights and responsibilities of

raising their children after the parents have separated or divorced.

In all cases involving children, the law requires that the parties determine both physical custody and legal custody arrangements. Physical custody addresses issues such as where a child will live and each parent's "parenting time" during the week, weekends, holidays and summers. Legal custody addresses how decisions will be made for the child particularly related to a child's health, education, religion, and extracurricular activities. There are numerous ways to resolve these issues and craft a physical custody and legal custody arrangement that best meets your child's and their parents' needs.

Child Support

The State of Georgia requires both parents to provide for a child's maintenance, protection, and education by way of child support. A Child Support Worksheet, which takes into consideration the income of both parents, is used to calculate child support in Georgia. This is a State approved document and it is the only approved child support calculation recognized by the Courts in Georgia.

Today, parents involved in a child support action (whether it is as a result of a divorce, legitimation, or a modification of child support action), are each required by law to submit a Child Support Worksheet to the Court, which identifies the child support amount each party is seeking or proposing to pay. Completing the Child Support Worksheet can be complex and is done on a case-by-case basis, taking into account each family's individual needs and expenses. While some consider the Child Support Worksheet to be the end of the conversation, there are multiple factors and potential deviations that the Court still must consider before settling on a final amount of child support to be paid in each case. Over the years, Jerry has had the opportunity to address child support from every possible angle. With his experiences, he is well-versed in the most beneficial ways to present your families' unique financial needs to the Court in a way that gets positive results.

Modification Actions

Whether it relates to child support, alimony, custody or parenting time, things change over time and the original Divorce Decree/Settlement Agreement may contain provisions that no longer apply or have become too burdensome in light of these new circumstances. When life changes affect your legal situation, working with an experienced Family Law attorney is your best option to help you formalize these changes in a new Order or Agreement for your family.

A modification may be sought every two years, or if there has been a "substantial change of circumstances." The term "substantial change of circumstances" is not defined and can include a wide variety of possible changes. Perhaps the parenting time schedule created at the time of your divorce no longer fits due to a new work schedule, a parent's relocation, or even something as simple as your children getting older or changing schools. Other times, more serious issues may arise that require an actual change in your custody

arrangement. If the changing needs of your family are affecting you or your children adversely, a formal modification of custody or parenting time may be the remedy for your situation. Jerry can help you explore your legal options when it comes to your modification action.

Financial changes often have a greater impact on families of divorce than on an intact family. Whether these changes occur as a result of a decrease in your income, an increase in your former spouse's income, or a change in the financial needs of your children, a modification of child support or alimony may be needed. Considerations in these modification actions might include whether a party has lost their job, changed jobs, or received a raise in salary, among many other potential changes in a party's financial situation. Additionally, most alimony awards can be terminated if a former spouse gets remarried or begins cohabitating but you still need to file a modification action in order to have this change take effect. If any of these issues apply to your situation, speaking with an attorney can help you learn about your rights regarding changing your Court Order or Agreement.

Contempt Actions

Is your former spouse or the other parent overdue on his or her monthly child support or alimony obligation, or are they interfering with your Court-Ordered visitation? Is your former spouse or the other parent violating terms of your Court Order and/or Settlement Agreement? Perhaps you are being accused of one of these violations yourself

In the event you are the victim of another party's failure to comply with a Divorce Decree or other Family Law-related Court Order or you are the party being accused of violating a Court Order, we encourage you to contact Jerry . You have a right to seek enforcement of the Decree/Order by filing a Motion for Contempt against the non-complying party and to seek attorney's fees associated with the filing of your Motion. In the alternative, if you have been accused of contempt for failing to follow your Court Order, Jerry will help you defend against those accusations, or work out a settlement when necessary.

Paternity & Legitimation

Many people do not realize that when a child is born to parents who are not married, only the mother has legal and custodial rights over the child until a Court enters an order of Paternity or Legitimation. Signing a birth certificate at the hospital does not establish custodial rights. That being said, it is important to remember that both parents are responsible for child support and have an obligation to financially provide for their child's maintenance, protection, and education. In many situations where a child is born out of wedlock, a Father may pay child support even though he has not yet established his legal and custodial rights to the child. This means that he may have no rights to be informed regarding the child's well-being, access to school or medical records, or the right to visitation and parenting time with the child. A Father's legal and custodial rights to the child can be established either through a paternity action or a legitimation action. Both of these types of cases will establish the identity of the child's biological father and

legitimately name him as the child's "legal father." Once parentage is established, the Court will also address child support, custody and parenting time. Jerry has helped both mothers and fathers address these sensitive issues in a multitude of situations. Using his expertise and experience, he stands with you as he secures your legal rights and insures that your child has the help and support of both parents.

Pre / Post Nuptial Agreements

Although previously considered with much controversy, Prenuptial Agreements (often referred to as "Prenups") have become more commonplace in Georgia. Prenuptial Agreements offer couples who are getting married the security of an agreement that can assist in protecting assets that you are bringing into your marriage, as well as assets that may be accumulated during the marriage. Prenuptial Agreements can eliminate the trials and tribulations of going through a contested divorce by carefully spelling out both parties' rights and obligations should a marriage come to an end. Prenuptial Agreements are not created out of cynicism nor are they a precursor to divorce. They simply represent smart planning.

Georgia law recognizes the validity of Prenuptial Agreements provided that certain conditions are met. The most important of these relate to the disclosure of assets and the circumstances in which the agreement is presented to the other party. Jerry 's experience can help you create an agreement that fully addresses all of your concerns and that will work for you in the future, should the need ever arise.

While most people know of Prenuptial Agreements which are done before spouses marry, the same types of provisions can also be addressed in a "Post-nuptial Agreement" after the spouses have already married to address how property would be divided in the event of a divorce. The same careful planning and thoughtful drafting is required to create and enter into a binding Post-Nuptial Agreement, as is necessary for the premarital version.

Jerry has drafted these Agreements to address virtually every possible need that can arise, whether it's protection of previously owned wealth, family or personal business interests, or setting aside assets for children and other family members. If you are considering a Prenuptial or Post Nuptial Agreement, Jerry can provide invaluable advice and insight from the beginning of preparations through drafting and signing.

Domestic Partner Dissolution or Divorce

Since the recent United States Supreme Court decision concerning gay marriage, Georgia now recognizes the right of same- sex couples to enter into a legally binding marriage. Those same-sex couples who decide to marry will have to address the same issues that other couples address in the event of a divorce. Those issues include equitable division of property, child custody and parenting time, child support, alimony and other related issues such as life insurance and health insurance. Those same-sex couples who do not marry

will also have to address those issues in the event of a divorce, although their rights and obligations are not nearly as defined as those rights and obligations of the married same-sex couples. Jerry understands and respects that there are numerous same-sex couples and domestic partners residing in the State of Georgia who may need help with their Family Law matters.

DEPARTMENT OF FAMILY AND CHILDREN SERVICES

Georgia's Department of Family and Children Services has the power to investigate families upon report of deprivation or abuse. Through the power of the Juvenile Court, DFACS can remove children from the family and place them with other family members or with strangers who are certified by DFACS. Unfortunately, the process can often cause damage to the family that can have long lasting effects.

When an investigation is not quickly ended, it is recommended to get an attorney to assist with the protection of the family. Often, attorneys can protect the family's rights, while working with DFACS. By facilitating the process, an attorney will often be able to help the family avoid the long, costly, and often emotionally painful path of a hearing in Juvenile Court.

When DFACS brings an action, attorneys can be hired to represent the parents, the children, or to intervene on behalf of a family member who wishes to have placement and/or custody of the children. In a deprivation hearing, it is important to have a lawyer to represent at least one of the parties. Knowing the procedure, as well as when to be cooperative and when to be aggressive, can be critical in ensuring the best outcome for the children and the family.

GUARDIANSHIPS

Guardianships are established for people who are otherwise unable to attend to their own affairs. The developmentally disabled, the severely handicapped, minor children without a parent, and the elderly who are no longer capable of attending to their own affairs are examples of those who would benefit from guardianships. The person for whom the guardianship is established is called the ward.

A guardian is a person who is to stand in the place of the ward when decisions are to be made. Typically, a family member or close family friend is established as the guardian. The guideline for how the guardian makes decisions is simply to ask, "What is in the best interest of the ward?" or "What would the ward choose if he/she could choose on his/her own?" Guardianships legally allow the guardian to stand in the place of the ward in making all decisions.

QUALIFIED DOMESTIC RELATIONS ORDERS

A Qualified Domestic Relations Order (QDRO) is used to divide retirement assets. Without a QDRO, the normal fees, penalties, and taxes will apply when a divorcing party divides his/her retirement.

There are several types of QDROs that are used. From the division of a 401k to the division of military retirement, this division method is essential in order to protect the assets of the marriage for both parties.